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Attorney Dkt. No. S-8232

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re the matter of

Hotels.com, L.P.

Trademark Examining Attorney

U.S. Serial No.: 78/277,681

Tarah K. Hardy Ludlow

Filed: July 23, 2003

Law Office 110

Mark: HOTELS.COM (Class 43)

BOX TTAB FEE

Commissioner for Trademarks

P. O. Box 1451

Alexandria, Virginia 22313-1451

05-06-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

**NOTICE OF APPEAL
AND
REQUEST FOR SUSPENSION OF TIME FOR APPLICANT'S BRIEF ON APPEAL**

Applicant, through its undersigned counsel, hereby appeals the Examining Attorney's Final Office Action dated November 22, 2004.

Respectfully, the Trademark Trial and Appeal Board is advised that Applicant filed a Request for Reconsideration After Final Refusal on February 25, 2005, wherein Applicant submitted a claim of ownership of prior registrations in furtherance of its argument that the referenced mark has acquired distinctiveness. To date, no response from the Examining Attorney has been received.

It is believed that Applicant's significant evidence of acquired distinctiveness presently in the record, combined with the claim of ownership of U.S. Registration Nos. 2,918,738 and 2,793,744, will be accepted such that the Appeal will ultimately be moot.

In view of the outstanding issues presently before the Examining Attorney, and in view of the impending Appeal deadline, Applicant hereby submits its Appeal, but requests that the Trademark Trial and Appeal Board to suspend the time for Applicant to submit its Brief until such a time as a decision is rendered by the Examining Attorney relative to the outstanding Request for Reconsideration After Final Refusal.

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In the event the Examining Attorney withdraws the refusal, the Appeal should then be moot. If, on the other hand, the Examining Attorney maintains the final refusal, it is requested that the Board ultimately reset Applicant's time for submitting its Brief on Appeal.

The filing fee for the Notice of Appeal is \$100.00 for one class, and the Trademark Office is hereby authorized to charge the requisite fee to the undersigned's Deposit Account No. 19-4880.

Respectfully submitted,

HOTELS.COM, L.P.

By: 

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Dated: May 6, 2005.